

ALONZO BRADWELL 10/30/2020

Page 1		Page 3	
1	UNITED STATES DISTRICT COURT	1	CERTIFIED QUESTIONS
2	EASTERN DISTRICT OF MISSOURI	2	Page 34, Line 7:
3	SOUTHEASTERN DIVISION	3	Q. So when he came to you, what did he tell you?
4		4	A. _____
5		5	Page 34, Line 25:
6	ROBIN MESEY and JENNIFER MESEY,)	6	Q. Did Charles Roper tell you who he was with on
7	Plaintiff,)	7	that day?
8	vs.)	8	A. _____
9	CITY OF VAN BUREN, MISSOURI, et) 1:19-CV-71 SNLJ	9	Page 35, Line 6:
10	al,)	10	Q. Did Charles Roper tell you that the dog tried
11	Defendant.)	11	to attack his wife?
12		12	A. _____
13		13	Page 35, Line 12:
14		14	Q. Did Charles Roper tell you on the day of the
15	DEPOSITION OF ALONZO BRADWELL	15	incident he fired a warning shot before shooting at
16	TAKEN ON BEHALF OF THE PLAINTIFF	16	the dog?
17	OCTOBER 30, 2020	17	A. _____
18		18	Page 37, Line 9:
19		19	Q. Okay. After the incident in question, did
20		20	you punish Charles Roper in any way?
21		21	A. _____
22		22	
23		23	
24		24	
25		25	

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1	INDEX	1	CERTIFIED QUESTIONS
2	QUESTIONS BY: PAGE	2	Page 45, Line 2:
3	Mr. Schottel 7	3	Q. Oh. And I guess my question was outside of
4		4	just obtaining those records, did you do any kind
5	EXHIBITS	5	of – or did your department do any kind of
6	EXHIBIT PAGE	6	investigation into defendant Roper's actions on that
7	1 39	7	day?
8	2 39	8	A. _____
9	3 47	9	Page 49, Line 4:
10		10	Q. Okay. So this says that Roper was not
11	(Exhibits retained by Mr. Schottel.)	11	disciplined by this defendant – meaning you – or the
12		12	City of Van Buren, Missouri as a result of any
13		13	incident involving plaintiff's dogs on February 22nd,
14		14	2019. Is that true?
15		15	A. _____
16		16	
17		17	
18		18	
19		19	
20		20	
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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MISSOURI</p> <p>3 SOUTHEASTERN DIVISION</p> <p>4</p> <p>5 ROBIN MESEY and JENNIFER MESEY,)</p> <p>6 Plaintiff,)</p> <p>7 vs.)</p> <p>8 CITY OF VAN BUREN, MISSOURI, et) 1:19-CV-71 SNLJ</p> <p>9 al,)</p> <p>10 Defendant.)</p> <p>11</p> <p>12 DEPOSITION OF ALONZO BRADWELL, produced,</p> <p>13 sworn and examined on OCTOBER 30, 2020, between the</p> <p>14 hours of eight o'clock in the forenoon and six o'clock</p> <p>15 in the afternoon of that day, at the Phelps County</p> <p>16 Courthouse, 200 North Main Street, Skyroom, Rolla,</p> <p>17 Missouri 65401, before Sarah J. Pokorski, a Certified</p> <p>18 Court Reporter and Notary Public within and for the</p> <p>19 State of Missouri, in a certain cause now pending in</p> <p>20 the United States District Court, Eastern District of</p> <p>21 Missouri, Southeastern Division, between ROBIN MESEY</p> <p>22 and JENNIFER MESEY, Plaintiff vs. CITY OF VAN BUREN,</p> <p>23 MISSOURI, et al, Defendant; on behalf of the</p> <p>24 Plaintiff.</p> <p>25</p>	<p>1 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>2 between counsel for the Plaintiff and counsel for the</p> <p>3 Defendant that this deposition may be taken in</p> <p>4 shorthand by Sarah J. Pokorski, CCR, a Certified Court</p> <p>5 Reporter and Notary Public, and afterwards transcribed</p> <p>6 into typewriting; and the signature of the witness is</p> <p>7 expressly reserved.</p> <p>8</p> <p>9 *****</p> <p>10</p> <p>11 ALONZO BRADWELL,</p> <p>12 Of lawful age, produced, sworn and examined on behalf</p> <p>13 of the plaintiff, deposes and says:</p> <p>14</p> <p>15 (Starting time of the deposition: 12:11 p.m.)</p> <p>16</p> <p>17 DIRECT EXAMINATION</p> <p>18 QUESTIONS BY MR. SCHOTTEL:</p> <p>19 Q. Could you state and spell your full name,</p> <p>20 please.</p> <p>21 A. Alonzo Bradwell. A-L-O-N-Z-O. Last name</p> <p>22 Bradwell. B-R-A-D-W-E-L-L.</p> <p>23 Q. All right. And can you state and spell your</p> <p>24 current business address.</p> <p>25 A. P.O. Box 40, Van Buren, Missouri 63965.</p>
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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 Schottel & Associates</p> <p>5 James W. Schottel, Jr.</p> <p>6 906 Olive Street, PH</p> <p>7 St. Louis, Missouri 63101</p> <p>8 314-421-0350</p> <p>9 jwsj@schotteljustice.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 Keck Phillips</p> <p>13 Ty Z. Harden</p> <p>14 3140 East Division Street</p> <p>15 Springfield, Missouri 65802</p> <p>16 417-890-8989</p> <p>17 ty@kpwlawfirm.com</p> <p>18</p> <p>19 Fisher Patterson Sayler & Smith</p> <p>20 Joshua C. Grumke</p> <p>21 1010 Market Street</p> <p>22 Suite 1650</p> <p>23 St. Louis, Missouri 63101</p> <p>24 314-561-3675</p> <p>25 jgrumke@fpsslaw.com</p> <p>18 Court Reporter:</p> <p>19 Sarah J. Pokorski, CCR</p> <p>20 Missouri CCR No. 745</p> <p>21 Alaris Litigation Services</p> <p>22 711 North Eleventh Street</p> <p>23 St. Louis, Missouri 63101</p> <p>24 314-644-2191</p> <p>25 1-800-280-DEPO</p>	<p>1 Q. Is there an actual street outside of a P.O.</p> <p>2 Box for the department?</p> <p>3 A. Due to the flood, we're in a disaster trailer</p> <p>4 still.</p> <p>5 Q. Oh, okay.</p> <p>6 A. So we have 1301 Main Street that we use for</p> <p>7 like UPS packages, which is next to City Hall.</p> <p>8 Q. Oh, okay.</p> <p>9 A. But outside of that, we -- no.</p> <p>10 Q. All right. Thanks for the clarification.</p> <p>11 I'm sorry. What was the zip code of Van Buren?</p> <p>12 A. 63965.</p> <p>13 Q. Okay. Chief Bradwell, my name is James</p> <p>14 Schottel, Jr. I represent Jennifer and Robin Mesey in</p> <p>15 this case. It's against the City of Van Buren,</p> <p>16 yourself, and Charles Roper. I'm sure you're well</p> <p>17 aware of that by now. The case has been going on for</p> <p>18 some time. I'll be asking you a series of questions.</p> <p>19 Try to speak up. I usually talk low; but during</p> <p>20 these, the court reporter's going to be taking</p> <p>21 everything down. And because of that, please try to</p> <p>22 refrain from answering a question by nodding your</p> <p>23 head, and voice your answer, even if it's a yes or no.</p> <p>24 And uh-huh and uh-uhs don't look good on the</p> <p>25 transcript, so I might ask you to -- say is that a</p>

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<p>1 yes, or is that a no. But hopefully once you get the</p> <p>2 hang of it, we'll get beyond that. If you do not</p> <p>3 understand a question, simply ask me to repeat it or</p> <p>4 rephrase it, and I'll be happy to do that for you.</p> <p>5 Sometimes us lawyers, our brains go faster than our</p> <p>6 mouths, and the question sounds good to us inside, but</p> <p>7 it doesn't come out the right way. Have you had your</p> <p>8 deposition taken before?</p> <p>9 A. Yes.</p> <p>10 Q. About how many times?</p> <p>11 A. Roughly five.</p> <p>12 Q. Okay. And would that have been in relation</p> <p>13 to your work as a law enforcement officer?</p> <p>14 A. Yes.</p> <p>15 Q. And would those roughly five depositions --</p> <p>16 were those relating to criminal cases?</p> <p>17 A. Yes.</p> <p>18 Q. And a question I have to ask of everyone --</p> <p>19 no offense -- are you presently under the influence of</p> <p>20 any substance, drug, whether prescription or</p> <p>21 non-prescription, that would affect your ability to</p> <p>22 understand my questions or give testimony today?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you review any documents, or photographs,</p> <p>25 or anything else in preparation of your deposition</p>	<p>1 Summersville.</p> <p>2 Q. And what was the one after Van Buren? Could</p> <p>3 you spell that for us and the court reporter.</p> <p>4 A. City of Summersville.</p> <p>5 S-U-M-M-E-R-S-V-I-L-L-E.</p> <p>6 Q. And what was the other one?</p> <p>7 A. Eminence? Is that -- that the one you're</p> <p>8 asking me?</p> <p>9 Q. Yeah. Could you spell that.</p> <p>10 A. E-M-I-E-N-I-C-E. No. Hold on. Sorry. I</p> <p>11 work there very rarely. So --</p> <p>12 MR. HARDEN: You've got -- Eminence.</p> <p>13 You've got it; right, Sarah?</p> <p>14 MR. SCHOTTEL: I don't have it.</p> <p>15 MR. HARDEN: E-M-M --</p> <p>16 THE WITNESS: No.</p> <p>17 MR. HARDEN: -- I-N-E-N-C-E.</p> <p>18 MR. GRUMKE: It's one M.</p> <p>19 MR. HARDEN: It's just one?</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. HARDEN: Oh, there you go.</p> <p>22 MR. SCHOTTEL: See, that's what I was</p> <p>23 confused about.</p> <p>24 MR. HARDEN: Really? Got me. I know</p> <p>25 that's where the Ozark Trail starts, somewhere around</p>
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<p>1 today?</p> <p>2 A. Just information with my attorney.</p> <p>3 Q. I'm not talking about any attorney/client</p> <p>4 discussions or anything. I'm talking actual physical</p> <p>5 documents, pictures, or anything like that. Did you</p> <p>6 take a look at anything?</p> <p>7 A. I believe I looked at the incident report</p> <p>8 from the Carter County Sheriff's Department last week</p> <p>9 when we were trying to figure out this -- when to do</p> <p>10 this deposition.</p> <p>11 Q. Oh, okay. And are you talking about the</p> <p>12 thick entire investigation file? Or just the report?</p> <p>13 A. Just the incident report.</p> <p>14 Q. Incident report. And do you remember who</p> <p>15 authored that incident report?</p> <p>16 A. I believe it was Chief Deputy Justin Eudaley.</p> <p>17 Q. Okay. And who is he with?</p> <p>18 A. Carter County Sheriff's Department.</p> <p>19 Q. Okay. And what's your date of birth?</p> <p>20 A. 11/6/1989.</p> <p>21 Q. And what's the highest grade of education</p> <p>22 you've completed?</p> <p>23 A. Some college.</p> <p>24 Q. Okay. And who is your present employer?</p> <p>25 A. City of Van Buren, City of Eminence, City of</p>	<p>1 there. I always think I'm going to jump on it, and I</p> <p>2 haven't yet. Sorry. But --</p> <p>3 MR. SCHOTTEL: That's all right.</p> <p>4 Q. (BY MR. SCHOTTEL.) What kind of work do you</p> <p>5 do for City of Eminence?</p> <p>6 A. Reserve officer.</p> <p>7 Q. Okay. And what kind of work do you do for</p> <p>8 the City of Summersville?</p> <p>9 A. Reserve officer.</p> <p>10 Q. Okay. And can you briefly describe what it</p> <p>11 is a reserve officer does, or --</p> <p>12 A. So the City of Summersville, if there is</p> <p>13 someone who is unavailable to work -- for example, a</p> <p>14 full-time employee -- a reserve officer would be</p> <p>15 called in to see if they can work or cover that shift.</p> <p>16 Q. All right. How long have you been a reserve</p> <p>17 officer for City of Eminence?</p> <p>18 A. Two years.</p> <p>19 Q. Same question. How long have you been a</p> <p>20 reserve officer for the City of Summersville?</p> <p>21 A. Since 2013, I believe.</p> <p>22 Q. Okay. When did you first become chief of</p> <p>23 police for the City of Van Buren?</p> <p>24 A. January 1st, 2019.</p> <p>25 Q. Did you work for the City of Van Buren Police</p>

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<p>1 Department prior to becoming chief?</p> <p>2 A. I did.</p> <p>3 Q. And immediately prior to January 1, 2019,</p> <p>4 what was your position with the police department?</p> <p>5 A. Full-time officer.</p> <p>6 Q. Full-time officer?</p> <p>7 A. Yes, sir.</p> <p>8 Q. How did you become chief? Was there an</p> <p>9 application process? Were you nominated? Did you</p> <p>10 have -- what were the steps?</p> <p>11 A. I had applied for it. There was an interim</p> <p>12 chief at the time. I went through an interview with</p> <p>13 the council and the mayor, and I was subsequently</p> <p>14 appointed to the position.</p> <p>15 Q. At the time you interviewed, how many members</p> <p>16 were on the council? If you remember.</p> <p>17 A. The same as there are now. There are four</p> <p>18 council members and the mayor.</p> <p>19 Q. Okay. When did you -- in what year did you</p> <p>20 first begin working for the Van Buren Police</p> <p>21 Department?</p> <p>22 A. In 2018, just -- just prior.</p> <p>23 Q. And did you start out as a full-time officer?</p> <p>24 A. No, sir.</p> <p>25 Q. No? Okay. What did you start out with the</p>	<p>1 A. I held different ranks.</p> <p>2 Q. Right. That's what I meant.</p> <p>3 A. Okay.</p> <p>4 Q. Sorry.</p> <p>5 A. The -- starting out, I was a reserve officer,</p> <p>6 then a full-time officer, then the corporal, then the</p> <p>7 chief of police.</p> <p>8 Q. And I'm not going to put you through the pain</p> <p>9 of trying to remember which period you served when.</p> <p>10 How about what year did you start working for the</p> <p>11 Winona City Police Department?</p> <p>12 A. 2012, I believe.</p> <p>13 Q. Okay. And did you work for any other police</p> <p>14 departments prior to Winona in 2012?</p> <p>15 A. I -- I can't remember if it was '12 or 2013</p> <p>16 that I was a reserve at Summersville. So there could</p> <p>17 be employment record for Summersville --</p> <p>18 Q. Okay.</p> <p>19 A. -- as a reserve officer. But other than</p> <p>20 that, no.</p> <p>21 Q. All right. And where did you attend the</p> <p>22 police academy?</p> <p>23 A. Missouri State University, West Plains. The</p> <p>24 sheriff's academy.</p> <p>25 Q. Okay. And in what year did you attend that?</p>
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<p>1 Van Buren Police Department?</p> <p>2 A. It was a part-time position as I transferred</p> <p>3 from another agency over, and which quickly led into a</p> <p>4 full-time position.</p> <p>5 Q. Okay. So were you -- were you like a reserve</p> <p>6 officer, or just a part-time officer?</p> <p>7 A. I was a part-time officer.</p> <p>8 Q. Okay. And do you remember what month in 2018</p> <p>9 that was?</p> <p>10 A. I don't.</p> <p>11 Q. What police department did you transfer from?</p> <p>12 A. I was the chief of police for the City of</p> <p>13 Winona.</p> <p>14 Q. And why did you leave that position?</p> <p>15 A. We -- my family and I wanted to move to</p> <p>16 Carter County.</p> <p>17 Q. Okay. How long were you the chief of police</p> <p>18 for Winona?</p> <p>19 A. Since 2014.</p> <p>20 Q. Is that -- you said that's Winona County?</p> <p>21 A. Winona city.</p> <p>22 Q. Winona city? I'm sorry.</p> <p>23 A. In Shannon County.</p> <p>24 Q. Okay. Did you hold other positions of</p> <p>25 employment with the Winona City Police Department?</p>	<p>1 A. From 2011 to 2012.</p> <p>2 Q. Okay. And how long was that program?</p> <p>3 A. I believe it was 11 months.</p> <p>4 Q. Okay. And I'm assuming you got your</p> <p>5 certificate from there.</p> <p>6 A. Yes, sir.</p> <p>7 Q. And from 2011 to current, have you ever</p> <p>8 worked any secondary positions?</p> <p>9 A. I don't understand the question.</p> <p>10 Q. Secondary positions means like bars,</p> <p>11 restaurants, things like that where they may need</p> <p>12 additional law enforcement officers outside of the</p> <p>13 regular work.</p> <p>14 A. I -- I've never worked as an officer in</p> <p>15 something other than a law enforcement agency. No.</p> <p>16 Q. Okay. It's more of a common thing in</p> <p>17 St. Louis. There's secondary and different, you know,</p> <p>18 areas of -- wherever extra police might -- might be</p> <p>19 needed in the social domain. Like I said, bars,</p> <p>20 restaurants. So that's why I asked the question.</p> <p>21 A. Okay.</p> <p>22 Q. Wasn't trying to confuse you.</p> <p>23 A. We don't have that in our area, so I didn't</p> <p>24 understand the question.</p> <p>25 Q. Okay. No problem. Well, that would make</p>

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<p>1 sense why you didn't understand. Since you became</p> <p>2 chief of police with the City of Van Buren, is one of</p> <p>3 your duties to hire new police officers?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And can you just briefly describe your</p> <p>6 process for hiring new police officers.</p> <p>7 MR. HARDEN: And let me just go ahead and</p> <p>8 make this statement now, just so we're clear, and --</p> <p>9 MR. SCHOTTEL: Well, I meant --</p> <p>10 MR. HARDEN: No. You're good.</p> <p>11 MR. SCHOTTEL: -- involving with the</p> <p>12 city --</p> <p>13 MR. HARDEN: No. You're fine. I just want</p> <p>14 to put this on the record, if you don't mind.</p> <p>15 MR. SCHOTTEL: Sure.</p> <p>16 MR. HARDEN: For my sake, no one else's.</p> <p>17 Today, Chief Bradwell was noticed in his official</p> <p>18 capacity as the chief of police for deposition. He</p> <p>19 was not offered today or designated as a corporate</p> <p>20 representative for the City or the police department,</p> <p>21 and he's not testifying in that capacity today, and</p> <p>22 plaintiff's counsel and I had that understanding. I</p> <p>23 just wanted to make sure that was on the record.</p> <p>24 Thank you, Mr. Schottel.</p> <p>25 MR. SCHOTTEL: Yeah. And that's why I</p>	<p>1 Q. Okay. So Charles Roper was hired when you</p> <p>2 were chief of police?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay.</p> <p>5 A. As a training reserve.</p> <p>6 Q. Okay. Training reserve officer? Is that</p> <p>7 what it was?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Can you describe what that is.</p> <p>10 A. With initial training, we -- may I rephrase?</p> <p>11 Q. Sure.</p> <p>12 A. I would hire an officer who has met the</p> <p>13 qualifications through the interview process for</p> <p>14 on-the-job training. If they make it through that, at</p> <p>15 that point, they would be listed as a reserve officer</p> <p>16 ready to be called in. At that time, Mr. Roper was</p> <p>17 still in training.</p> <p>18 Q. And when you say at the time -- at the time</p> <p>19 of the incident subject to the case when he shot the</p> <p>20 Meseys' dogs, he was a training reserve officer?</p> <p>21 MR. HARDEN: Just object to form.</p> <p>22 THE WITNESS: He -- he held that position.</p> <p>23 Yes. He was not training when that incident happened.</p> <p>24 Q. (BY MR. SCHOTTEL.) Okay. I guess that was a</p> <p>25 bad question. But that was the position that he held</p>
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<p>1 wanted to clarify that wasn't -- I wasn't asking about</p> <p>2 the city.</p> <p>3 MR. HARDEN: And you're not.</p> <p>4 Q. (BY MR. SCHOTTEL.) Just your individual</p> <p>5 process.</p> <p>6 A. Outside of police department? Is that --</p> <p>7 Q. No. Just as you're in your function as</p> <p>8 sheriff, individually.</p> <p>9 A. I'm the chief of police.</p> <p>10 Q. Or I'm sorry. I said sheriff. My apologies.</p> <p>11 As the chief, what is your hiring process?</p> <p>12 A. So I have, generally speaking, at that time,</p> <p>13 being as I was just taking over, I -- my process then</p> <p>14 was to look over application, check their POST license</p> <p>15 to make sure that they're up to date on all their</p> <p>16 training required by the State, and call references,</p> <p>17 and then do an interview. Then I would present it to</p> <p>18 our council and mayor as either a recommendation, or I</p> <p>19 would recommend an officer to go to work for me or not</p> <p>20 to go to work for me.</p> <p>21 Q. Okay. And Officer Charles Roper, was he on</p> <p>22 the force at the time you became chief of police?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p> <p>25 A. He had been prior to -- to me.</p>	<p>1 at the time of the incident in this case?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. Do you remember when Mr. Roper</p> <p>4 began holding that position?</p> <p>5 A. I believe his oath of office was the end of</p> <p>6 January, beginning of February, in that time frame. I</p> <p>7 can't remember the exact date.</p> <p>8 Q. Yeah. I'm not --</p> <p>9 A. Okay.</p> <p>10 Q. -- trying to tie you down to an exact date.</p> <p>11 Just --</p> <p>12 A. Yeah.</p> <p>13 Q. -- month -- yeah. That was -- and the</p> <p>14 process that you mentioned before about reviewing</p> <p>15 applications and then presenting it to a council when</p> <p>16 you go to hire an officer, did any of that happen or</p> <p>17 occur before Charles Roper became a training reserve</p> <p>18 officer?</p> <p>19 A. They were notified, and they had no</p> <p>20 objections.</p> <p>21 Q. Okay. How long is the training reserve</p> <p>22 period?</p> <p>23 A. Then, it would have been at the</p> <p>24 recommendation of full-time officers that he trained</p> <p>25 with. At that point, when they stated to me that they</p>

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<p>1 felt that he was ready to go back and be a reserve --</p> <p>2 or to be a reserve, then I would do a ride-along</p> <p>3 training with them --</p> <p>4 Q. Uh-huh.</p> <p>5 A. -- and quiz them on the streets, quiz them on</p> <p>6 how-to on certain incidents. And then they would be</p> <p>7 put on the reserve list if I felt that they were ready</p> <p>8 to do that.</p> <p>9 Q. Okay. So you didn't have a specific time</p> <p>10 frame. What you're testifying to is that it's -- it's</p> <p>11 on an individual, person-by-person basis.</p> <p>12 A. At the time, I was brand new to the</p> <p>13 department as their chief, and there's a lot of</p> <p>14 process that I was still working on to make official.</p> <p>15 Q. Okay. And you said at that time. So did you</p> <p>16 change that aspect?</p> <p>17 A. I had completed what I was working on. Yes.</p> <p>18 Q. Okay. So by your testimony, is it fair to</p> <p>19 say once you became chief of police, you kind of</p> <p>20 reviewed everything, and had your own ideas on what</p> <p>21 you wanted to assess, or how you wanted things to run</p> <p>22 in the department?</p> <p>23 A. I think it's important for me to review</p> <p>24 current policies and current procedures, budgets,</p> <p>25 everything, before making a complete decision on any</p>	<p>1 to me that he was acting while on duty; and it was not</p> <p>2 Officer Roper that was involved in this, in my</p> <p>3 opinion.</p> <p>4 Q. (BY MR. SCHOTTEL.) But Charles Roper?</p> <p>5 A. Yes.</p> <p>6 Q. And I'm sorry. Even -- I didn't clarify. By</p> <p>7 your earlier testimony, he was not an officer anyway</p> <p>8 with the department yet. He was a training --</p> <p>9 A. He was a training reserve officer.</p> <p>10 Q. Training reserve officer. When Mr. Roper</p> <p>11 became a training reserve officer, was he given any</p> <p>12 equipment to use by you or the department?</p> <p>13 A. I -- I do not believe so. When -- when I</p> <p>14 hear equipment, when it comes to a new hire, I would</p> <p>15 say badge, commission card, vest, gun, things like</p> <p>16 that. I don't recall ever -- I know he didn't have a</p> <p>17 badge, a commission card, or a department firearm. In</p> <p>18 regards to any other equipment, I -- I don't recall</p> <p>19 that. I don't know.</p> <p>20 Q. Okay. What does -- what does an officer do</p> <p>21 as a training reserve officer?</p> <p>22 A. They train with a full-time officer.</p> <p>23 Q. Okay. Out on the streets?</p> <p>24 A. Yes.</p> <p>25 Q. Are -- when they're training out on the</p>
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<p>1 ideas that I do have. I had plenty of ideas, but I</p> <p>2 wanted to make sure it would match with the department</p> <p>3 at the time.</p> <p>4 Q. Okay. And if you had policies with respect</p> <p>5 to police practices, did you have to present them to</p> <p>6 the council or the mayor for approval?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. I'm sorry. Bear with me just a</p> <p>9 second.</p> <p>10 MR. HARDEN: You're fine.</p> <p>11 Q. (BY MR. SCHOTTEL.) And you're familiar with</p> <p>12 the -- the claims that the Meseys are making in this</p> <p>13 case; are you not?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. The incident subject to this case</p> <p>16 involved the shooting of the Meseys' dogs by Officer</p> <p>17 Charles Roper. Is that fair to say?</p> <p>18 A. Can you re-ask that question, please.</p> <p>19 Q. Okay. The claims involved in this case are</p> <p>20 the shooting of the Meseys' dogs by Officer Charles</p> <p>21 Roper. Is that a fair statement?</p> <p>22 MR. HARDEN: Just object to form. Go</p> <p>23 ahead.</p> <p>24 THE WITNESS: I would -- I would say that</p> <p>25 the incident involved Charles Roper. Officer implies</p>	<p>1 streets with a full-time officer, are they supposed to</p> <p>2 be carrying a weapon at that time?</p> <p>3 A. Yes. They're -- through the State of</p> <p>4 Missouri, they're a law enforcement officer still.</p> <p>5 Q. Right.</p> <p>6 A. With us, they're training. So thus, they can</p> <p>7 still carry a firearm, as long as they have been</p> <p>8 previously qualified, or still up to date with the</p> <p>9 firearm requirements for the State for POST licensing.</p> <p>10 Q. And to the best of your recollection, at that</p> <p>11 time when he was a training reserve officer, was</p> <p>12 Charles Roper qualified to carry a weapon?</p> <p>13 A. He was. He was qualified by the Ripley</p> <p>14 County Sheriff's Office, where he also held a position</p> <p>15 at that time.</p> <p>16 Q. Okay. Now, as a training reserve officer,</p> <p>17 did you or the department provide Charles Roper with a</p> <p>18 gun to carry when he was out in the streets with a</p> <p>19 full-time officer?</p> <p>20 A. No.</p> <p>21 Q. Were -- was a training reserve officer</p> <p>22 required to purchase their own gun? Or were they</p> <p>23 given an option?</p> <p>24 A. As a training reserve, they're given -- I</p> <p>25 mean, we don't have a firearm to give them.</p>

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<p>1 Q. Okay.</p> <p>2 A. We have three Glock pistols at our</p> <p>3 department, and those are used by our full-time</p> <p>4 officers.</p> <p>5 Q. Okay.</p> <p>6 A. All other firearms for a training officer --</p> <p>7 or trainee officer -- reserve officer -- we would have</p> <p>8 allowed them to carry a firearm that they were</p> <p>9 qualified with, but we did not provide one.</p> <p>10 Q. In your opinion, and -- scratch that. In</p> <p>11 your opinion, if a training reserve officer is on the</p> <p>12 streets with a full-time officer, would it be -- would</p> <p>13 it be the safest and best idea that the training</p> <p>14 reserve officer do have a weapon to carry while on the</p> <p>15 streets?</p> <p>16 MR. HARDEN: Object to form.</p> <p>17 THE WITNESS: In -- in most cases. Yes.</p> <p>18 Q. (BY MR. SCHOTTEL.) When Charles Roper was a</p> <p>19 training reserve officer, and when he was on the</p> <p>20 streets with a full-time officer, do you know whether</p> <p>21 or not he was carrying a firearm?</p> <p>22 A. He was.</p> <p>23 Q. Okay. And how do you know he was?</p> <p>24 A. Because I approved it.</p> <p>25 Q. Okay. And how did that approval process go?</p>	<p>1 for me to understand. When I see a duty belt, it's</p> <p>2 difficult to take so many things off. So his duty</p> <p>3 belt and firearm as a whole was approved.</p> <p>4 Q. Okay.</p> <p>5 A. Okay.</p> <p>6 Q. So you don't know specifically -- it could</p> <p>7 have had mace, I guess, in it.</p> <p>8 A. He did have mace. Yes.</p> <p>9 Q. He did have mace?</p> <p>10 A. I believe so. I'd have to -- again, I --</p> <p>11 I -- that was a long time ago. I'd have to --</p> <p>12 Q. Right.</p> <p>13 A. -- I guess go back and try to see if I can</p> <p>14 remember. I don't know.</p> <p>15 Q. Yeah. But you would have kept a record of</p> <p>16 that?</p> <p>17 A. No.</p> <p>18 Q. No? Okay. Based upon your sitting here</p> <p>19 today, is there anything else that you can remember</p> <p>20 that Charles Roper was carrying as a training reserve</p> <p>21 officer?</p> <p>22 A. I cannot recall.</p> <p>23 Q. Okay. What about uniform? Do you remember</p> <p>24 or not whether you had a uniform for him at that time?</p> <p>25 A. I don't think we had a uniform. I cannot</p>
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<p>1 A. During the hiring process of the -- and</p> <p>2 scheduling of the training reserve to go out with an</p> <p>3 officer, I have to approve any equipment that they do</p> <p>4 have with them. I approved his 1911 pistol that he</p> <p>5 had been using for the Ripley County Sheriff's Office</p> <p>6 and qualified with at that time.</p> <p>7 Q. Okay. What about when it comes to handcuffs?</p> <p>8 What's the position with respect to you and training</p> <p>9 officers carrying handcuffs? Do you provide those, or</p> <p>10 do they provide -- they get their own?</p> <p>11 A. Only equipment that we have the capability of</p> <p>12 providing would be a bullet-proof vest, a badge, and a</p> <p>13 commission card, and uniforms, generally. Again, we</p> <p>14 went through a flood, and lost most of our things, so</p> <p>15 we were rebuilding at that time.</p> <p>16 Q. Okay. Do you know if Charles Roper had</p> <p>17 handcuffs as a training reserve officer?</p> <p>18 A. He did.</p> <p>19 Q. Okay. And would he have to get those</p> <p>20 approved through you?</p> <p>21 A. All his equipment that he carried was</p> <p>22 approved.</p> <p>23 Q. Okay. And outside of the handcuffs and the</p> <p>24 pistol, did he get anything else approved through you?</p> <p>25 A. It's -- the way you're asking me is difficult</p>	<p>1 remember. But as a trainee, usually I would have the</p> <p>2 trainees dress in a plain polo with khaki pants,</p> <p>3 without any logos or anything like that on them.</p> <p>4 Q. Okay.</p> <p>5 A. But I don't remember exactly that situation.</p> <p>6 Q. All right. Fair enough. At the time you</p> <p>7 became chief, did -- did you require any new hires to</p> <p>8 go through any kind of firearm training or any</p> <p>9 exercises?</p> <p>10 A. Our department does firearms training once a</p> <p>11 year in the summer.</p> <p>12 Q. Okay.</p> <p>13 A. So on new hires, as long as they were</p> <p>14 compliant with POST requirements for firearm hours,</p> <p>15 then they would wait for our firearms qualification.</p> <p>16 Q. Okay.</p> <p>17 A. For Mr. Roper, he had completed his firearms</p> <p>18 training out of Ripley County.</p> <p>19 Q. All right. So if an officer -- or -- he</p> <p>20 wasn't an officer. But a person like Charles Roper</p> <p>21 who had previous law enforcement experience, you would</p> <p>22 take that into consideration because he would have I</p> <p>23 guess done certain things that you may have required</p> <p>24 him to, but he had already done the previous --</p> <p>25 A. I verified that he did complete those hours.</p>

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<p>1 Yes.</p> <p>2 Q. Okay. But I wasn't trying to trick you or</p> <p>3 just nail -- narrow it down to Roper. I was just</p> <p>4 saying you, that's what you do generally when you look</p> <p>5 at the new hires, or someone new you're bringing in.</p> <p>6 A. Yes. I -- I verify to make sure they're</p> <p>7 compliant with their POST licensing in the state, at</p> <p>8 which point I go through their equipment, make sure</p> <p>9 that I approve those. And if they are still in</p> <p>10 compliance outside of our agency's firearms</p> <p>11 qualification, then they will be made to wait for that</p> <p>12 qualification.</p> <p>13 Q. Okay. You referenced a duty belt. And I'm</p> <p>14 not asking specifically to Charles Roper. But I've</p> <p>15 seen duty belts. I'm not a police officer. So if you</p> <p>16 could enlighten me, what kinds of equipment can a duty</p> <p>17 belt carry?</p> <p>18 A. Generally speaking, firearms, handcuffs, less</p> <p>19 lethal devices, cell phone holders.</p> <p>20 Q. Yeah.</p> <p>21 A. You know, every duty belt's slightly</p> <p>22 different, depending on the person.</p> <p>23 Q. Now, way back in the day -- I'm dating myself</p> <p>24 here. But they used to call it a night stick. But</p> <p>25 there's different names for it now. Do you know what</p>	<p>1 A. Okay. They are allowed to carry expandable</p> <p>2 batons. That's what's taught in the academy.</p> <p>3 Q. Okay.</p> <p>4 A. Usually.</p> <p>5 Q. Is there any kind of training course or</p> <p>6 anything that your department provides with respect to</p> <p>7 mace?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. We personally do not do that. No.</p> <p>11 Q. All right.</p> <p>12 A. Can I clarify that, a little bit?</p> <p>13 Q. Sure.</p> <p>14 A. When I said we personally, I meant our</p> <p>15 department does not have instructors that teach that.</p> <p>16 Q. Okay. How did you first hear about the</p> <p>17 incident with Charles Roper and the shooting of the</p> <p>18 Meseys' dogs?</p> <p>19 A. From Officer Dyer.</p> <p>20 Q. And could you spell that.</p> <p>21 A. D-Y-E-R.</p> <p>22 Q. And is he with the Carter County Sheriff's</p> <p>23 Department?</p> <p>24 A. He's with my department.</p> <p>25 Q. Oh, he's with your department. Okay. And</p>
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<p>1 I'm talking about, with a handle that --</p> <p>2 A. It's still a night stick.</p> <p>3 Q. It's still a night stick? Okay.</p> <p>4 A. There's different types of -- I think what</p> <p>5 you're referring to would be an ASP, where it's</p> <p>6 expandable, rather than fixed.</p> <p>7 Q. Okay. So there's two types of them? One you</p> <p>8 can expand --</p> <p>9 A. I'm sure that there's plenty more --</p> <p>10 Q. Probably more?</p> <p>11 A. -- than two. But those are the --</p> <p>12 Q. The ones you're aware of, or --</p> <p>13 A. Yeah.</p> <p>14 Q. Yeah. I envision the one with a handle.</p> <p>15 A. Uh-huh.</p> <p>16 Q. And it's one piece.</p> <p>17 A. Right.</p> <p>18 Q. So that's called a night stick?</p> <p>19 A. Yeah. That's still what I call it.</p> <p>20 Q. And my follow-up question was are your</p> <p>21 officers allowed to carry a night stick if it's</p> <p>22 approved?</p> <p>23 A. A night stick that -- the way you described</p> <p>24 the night stick?</p> <p>25 Q. Either -- either one.</p>	<p>1 how did he notify you about the incident?</p> <p>2 A. By calling me on my cell phone.</p> <p>3 Q. Okay. Did he call you on the same day it</p> <p>4 occurred?</p> <p>5 A. While he was on scene. He had just arrived.</p> <p>6 Q. Okay. And did Charles Roper come to see you</p> <p>7 immediately after this incident?</p> <p>8 MR. HARDEN: Object to form.</p> <p>9 Q. (BY MR. SCHOTTEL.) Scratch the immediately.</p> <p>10 MR. HARDEN: Good.</p> <p>11 THE WITNESS: Mr. Roper did come to see me.</p> <p>12 Yes.</p> <p>13 Q. (BY MR. SCHOTTEL.) And are you aware of what</p> <p>14 happened with his weapon after the incident, after he</p> <p>15 shot the dogs?</p> <p>16 A. Everything from the point that I spoke with</p> <p>17 the sheriff of Carter County, which was the phone call</p> <p>18 after I spoke with Officer Dyer, I -- I relinquished</p> <p>19 the -- we relinquished the scene over to the sheriff's</p> <p>20 department. So I -- their procedures, I couldn't tell</p> <p>21 you.</p> <p>22 Q. Okay. Was the pistol -- or the gun that</p> <p>23 Charles Roper shot the Meseys' dog with, was that the</p> <p>24 same gun he was carrying on the streets as a training</p> <p>25 reserve officer?</p>

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<p style="text-align: right;">Page 33</p> <p>1 A. No.</p> <p>2 Q. Can you describe the differences of the guns.</p> <p>3 A. The information I read in the incident report</p> <p>4 of the sheriff's department is that he used a</p> <p>5 Springfield 45-caliber. I approved a 1911 for him to</p> <p>6 carry on duty. He had a separate gun that I had</p> <p>7 nothing -- I have no idea about, that he did not use</p> <p>8 while under my care.</p> <p>9 Q. The one you approved, can you state that one</p> <p>10 again.</p> <p>11 A. It was a 1911. I -- I don't remember the</p> <p>12 brand.</p> <p>13 Q. Oh, okay. And a 1911 is just a handgun?</p> <p>14 A. Yes. I believe it had a blue handle on the</p> <p>15 1911, if I remember correctly.</p> <p>16 Q. All right. With your training reserve</p> <p>17 officers, do you give them any instructions of whether</p> <p>18 or not to carry their gun when they're not working?</p> <p>19 A. At the time, there was a policy for reserve</p> <p>20 officers -- and all officers, part-time, full-time --</p> <p>21 to -- that they could wear a concealed firearm or a</p> <p>22 firearm, as long as they had a badge and a commission</p> <p>23 card. With Mr. Roper, he was still in training, and</p> <p>24 did not have a badge and a commission card. And</p> <p>25 because he was in training, we hadn't even made it</p>	<p style="text-align: right;">Page 35</p> <p>1 you who he was with on that day?</p> <p>2 MR. HARDEN: Same objections. Don't</p> <p>3 answer.</p> <p>4 MR. SCHOTTEL: All right. Have that</p> <p>5 question certified for the court.</p> <p>6 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p> <p>7 you that the dog tried to attack his wife?</p> <p>8 MR. HARDEN: Same objection. Instruct you</p> <p>9 not to answer.</p> <p>10 MR. SCHOTTEL: Have that question certified</p> <p>11 for the court.</p> <p>12 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p> <p>13 you on the day of the incident he fired a warning shot</p> <p>14 before shooting at the dog?</p> <p>15 MR. HARDEN: Same objection. Instruct you</p> <p>16 not to answer.</p> <p>17 MR. SCHOTTEL: Have that question certified</p> <p>18 for the court.</p> <p>19 MR. HARDEN: Can we go off the record for a</p> <p>20 second.</p> <p>21 (OFF THE RECORD.)</p> <p>22 MR. HARDEN: We're back on when he gets</p> <p>23 done.</p> <p>24 Q. (BY MR. SCHOTTEL.) Do you know whether or</p> <p>25 not Charles Roper was married or not?</p>
<p style="text-align: right;">Page 34</p> <p>1 that far --</p> <p>2 Q. Okay.</p> <p>3 A. -- to even have that discussion.</p> <p>4 Q. And you said after the incident, he did come</p> <p>5 and talk to you after he shot the Meseys' dogs?</p> <p>6 A. Not immediately, but yes.</p> <p>7 Q. So when he came to you, what did he tell you?</p> <p>8 MR. HARDEN: All right. So here's where</p> <p>9 we're going to object, on the basis that any</p> <p>10 information that Chief Bradwell obtained after he</p> <p>11 received the call from Officer Dyer is privileged and</p> <p>12 protected information as insurer/insured and</p> <p>13 attorney/client privileged information, and the</p> <p>14 material created or that he reviewed in the process is</p> <p>15 also privileged and/or work-product protected,</p> <p>16 including intangible work product. Also,</p> <p>17 communications between Mr. Roper and the police chief</p> <p>18 are privileged and protected under the Garrity rule.</p> <p>19 Therefore, Chief Bradwell, I will instruct you not to</p> <p>20 answer this question or anything related to those</p> <p>21 types of communications or material after you received</p> <p>22 that call from Mr. Dyer.</p> <p>23 MR. SCHOTTEL: Can I have that question</p> <p>24 certified for the court, please.</p> <p>25 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Yes. He was married, to my knowledge.</p> <p>2 Q. Do you know his wife's name?</p> <p>3 A. I'm just drawing a blank.</p> <p>4 Q. Have you -- have you ever --</p> <p>5 A. Donna.</p> <p>6 MR. HARDEN: You got it.</p> <p>7 Q. (BY MR. SCHOTTEL.) There you go. Have you</p> <p>8 ever met Charles Roper's wife?</p> <p>9 A. I believe at last year's Christmas party.</p> <p>10 Q. Okay.</p> <p>11 A. And maybe in passing, but --</p> <p>12 Q. All right. Do you know where Charles Roper's</p> <p>13 wife's father lived?</p> <p>14 A. Yes.</p> <p>15 Q. And where did he live?</p> <p>16 A. He lived at the end of Dale Street.</p> <p>17 Q. Okay. Do you know who his wife's father</p> <p>18 lived with?</p> <p>19 A. No, I don't.</p> <p>20 Q. Okay. At the time of the incident, did you</p> <p>21 know where the Meseys lived?</p> <p>22 A. I was told by Officer Dyer where this</p> <p>23 incident occurred, and whose home they were at. So at</p> <p>24 that time, because of that, yes.</p> <p>25 Q. Okay. And what street was that, if you</p>

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<p>1 recall?</p> <p>2 A. Dale Street.</p> <p>3 Q. After the incident, did you put Charles Roper</p> <p>4 on any administrative leave?</p> <p>5 A. He was not able to finish his training. And</p> <p>6 he was not able to be used as a call-in officer</p> <p>7 pending the investigation from the sheriff's</p> <p>8 department.</p> <p>9 Q. Okay. After the incident in question, did</p> <p>10 you punish Charles Roper in any way?</p> <p>11 MR. HARDEN: Object to form. This is the</p> <p>12 same objection in terms of privileges and protections.</p> <p>13 But also, I would add that there's confidentiality and</p> <p>14 privacy rules for employment files. I don't think</p> <p>15 there's a protective order in place at this point.</p> <p>16 And those types of issues directly fall under the</p> <p>17 Garrity rule as well.</p> <p>18 MR. SCHOTTEL: Well, we can agree that this</p> <p>19 questioning could be -- this portion would be sealed</p> <p>20 under the transcript, which would -- we don't need a</p> <p>21 protective order for that. We can agree that this</p> <p>22 question would be kept under seal in that way. If</p> <p>23 it's filed with the court, it's filed under seal.</p> <p>24 MR. HARDEN: I'll tell you what I'll do.</p> <p>25 I'm going to instruct him not to answer, because I</p>	<p>1 (OFF THE RECORD.)</p> <p>2 (PLAINTIFF'S EXHIBIT 1 AND 2 MARKED FOR THE RECORD.)</p> <p>3 Q. (BY MR. SCHOTTEL.) I've just handed you</p> <p>4 Plaintiff's Exhibit 1. And it's a -- a few different</p> <p>5 documents combined to one for the ease of -- of this</p> <p>6 deposition. Also, they're related. And your response</p> <p>7 to a Sunshine letter. Could you identify Exhibit 1,</p> <p>8 the top page, and what it contains.</p> <p>9 MR. HARDEN: And I'll just object to form,</p> <p>10 foundation and hearsay. Go ahead.</p> <p>11 THE WITNESS: This is a records completion</p> <p>12 form in response to your second page of information --</p> <p>13 your request.</p> <p>14 Q. (BY MR. SCHOTTEL.) And what else is after my</p> <p>15 second page?</p> <p>16 MR. HARDEN: I'll also object on the basis</p> <p>17 this is discovery on discovery. Go ahead.</p> <p>18 THE WITNESS: It's an officer narrative</p> <p>19 report by Officer Dyer.</p> <p>20 Q. (BY MR. SCHOTTEL.) And after -- after the</p> <p>21 narrative report?</p> <p>22 MR. HARDEN: And then I'm going to object</p> <p>23 on the last -- object to any examination, testimony,</p> <p>24 use or display of any Missouri laws or city codes or</p> <p>25 ordinances on the basis that the court will instruct</p>
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<p>1 don't want to waive any privileges or protections.</p> <p>2 Okay. You can certify that one to the court. And if</p> <p>3 there's a way that I can provide you the information</p> <p>4 that you seek in that question in a non-privileged or</p> <p>5 protected manner, I'll provide it to you.</p> <p>6 MR. SCHOTTEL: All right.</p> <p>7 MR. HARDEN: All right. Otherwise, we can</p> <p>8 either get back to him, or we can get it from someone</p> <p>9 else if necessary.</p> <p>10 MR. SCHOTTEL: That's not the question. I</p> <p>11 don't need to get -- if I want to ask the witness</p> <p>12 questions, then I need this witness to answer</p> <p>13 questions. And if you're instructing him not to</p> <p>14 answer, then I have to have it certified by the court.</p> <p>15 MR. HARDEN: Okay.</p> <p>16 MR. SCHOTTEL: And we can bring it to the</p> <p>17 court's attention.</p> <p>18 MR. HARDEN: Okay.</p> <p>19 MR. SCHOTTEL: So have that question</p> <p>20 certified for the court.</p> <p>21 MR. HARDEN: Thank you. I guess I should</p> <p>22 incorporate by reference the same objections to the</p> <p>23 same written discovery as well.</p> <p>24 MR. SCHOTTEL: All right. We can go off</p> <p>25 the record for just a minute.</p>	<p>1 the jury on the law, and that witnesses should not</p> <p>2 testify about legal conclusions. Go ahead.</p> <p>3 Q. (BY MR. SCHOTTEL.) Okay. This is -- those</p> <p>4 are documents you provided to me. Correct?</p> <p>5 A. I -- I believe so. I don't know if that was</p> <p>6 its entirety. I'd have -- I don't know. I'd have to</p> <p>7 look back at my records to show what I sent you. But</p> <p>8 from what I can tell here from the document</p> <p>9 description on this records completion form, it</p> <p>10 appears to be so.</p> <p>11 Q. Okay. And that's your signature on the first</p> <p>12 page. Correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so did -- you did receive the April 2nd,</p> <p>15 2019 Sunshine law request from my office?</p> <p>16 MR. HARDEN: Object to form. Again,</p> <p>17 discovery on discovery and hearsay. Go ahead.</p> <p>18 THE WITNESS: Yes.</p> <p>19 Q. (BY MR. SCHOTTEL.) And in response, this</p> <p>20 packet is what you returned to my office. Is that</p> <p>21 correct?</p> <p>22 A. Yeah. I believe I also made a phone call to</p> <p>23 your office because I was confused.</p> <p>24 Q. Right.</p> <p>25 A. Because we didn't work the case. And so I</p>

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<p>1 wanted to make sure I sent what you needed. Yes.</p> <p>2 Q. Okay.</p> <p>3 MR. HARDEN: Same objections.</p> <p>4 Q. (BY MR. SCHOTTEL.) Right. And outside that</p> <p>5 phone call, these are just the physical documents that</p> <p>6 you have mailed. Is that to the best of your</p> <p>7 recollection?</p> <p>8 A. Yes.</p> <p>9 Q. And the one-page reporting officer's</p> <p>10 narrative that you identified the list of items, the</p> <p>11 offense slash incident report narrative, that was by</p> <p>12 Officer Dyer. Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And is that the same Officer Dyer that called</p> <p>15 you that you had mentioned earlier?</p> <p>16 A. Yes.</p> <p>17 Q. And you had also sent five pages of animal</p> <p>18 regulations from the Van Buren city code.</p> <p>19 MR. HARDEN: Same objections.</p> <p>20 THE WITNESS: Yes.</p> <p>21 Q. (BY MR. SCHOTTEL.) Why did you send the</p> <p>22 animal regulations?</p> <p>23 MR. HARDEN: Same objections.</p> <p>24 THE WITNESS: Your request was lastly,</p> <p>25 please provide any ordinances or local laws relating</p>	<p>1 objections, you'll see a sentence or two that'll</p> <p>2 actually provide an answer sometimes. So if you see a</p> <p>3 big block of objections, and you're looking at this</p> <p>4 for review, you might look to the end of that</p> <p>5 paragraph for an answer. Help shorten your review,</p> <p>6 probably. You remember these? Taking a look at</p> <p>7 these? All right. So you ready to go?</p> <p>8 MR. SCHOTTEL: Oh, yeah. He's looking</p> <p>9 through them. Just go through every page, and just</p> <p>10 check the last page. It's been a while.</p> <p>11 MR. HARDEN: Well, if you want to ask him</p> <p>12 about something in particular, go ahead.</p> <p>13 Q. (BY MR. SCHOTTEL.) And Plaintiff's Exhibit 2</p> <p>14 I just handed you, those are your answers to</p> <p>15 interrogatories in this case?</p> <p>16 A. It appears so.</p> <p>17 Q. And I know it's been quite a while ago since</p> <p>18 you answered them. I just wanted you to look at the</p> <p>19 last page. Is that your signature?</p> <p>20 A. Yes, it is.</p> <p>21 Q. Okay. And does November 21st, 2019 sound</p> <p>22 about right? Almost a year ago --</p> <p>23 A. Yeah.</p> <p>24 Q. -- that you signed them.</p> <p>25 A. Sounds right.</p>
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<p>1 to dogs in the City of Van Buren.</p> <p>2 Q. (BY MR. SCHOTTEL.) Okay. And at the time of</p> <p>3 the incident of Charles Roper shooting the Meseys'</p> <p>4 dogs, do you have any knowledge of whether the Meseys'</p> <p>5 dogs were leashed or not?</p> <p>6 A. Prior to the incident, you said? Is that</p> <p>7 what --</p> <p>8 Q. Prior to the incident of Charles Roper</p> <p>9 shooting the Meseys' dogs --</p> <p>10 MR. HARDEN: And I'll just --</p> <p>11 Q. (BY MR. SCHOTTEL.) -- do you have any</p> <p>12 knowledge of whether or not the Meseys' dogs had</p> <p>13 leashes on them?</p> <p>14 MR. HARDEN: So I'm going to object just to</p> <p>15 the extent it might call for privileged or protected</p> <p>16 information, and instruct you to answer to the extent</p> <p>17 you know based on personal knowledge.</p> <p>18 THE WITNESS: I -- I don't recall.</p> <p>19 MR. SCHOTTEL: All right. If you'd hand --</p> <p>20 MR. GRUMKE: What is that?</p> <p>21 MR. SCHOTTEL: Counsel --</p> <p>22 THE WITNESS: Want me to hand it to him?</p> <p>23 MR. HARDEN: Answers to interrogatories.</p> <p>24 MR. GRUMKE: Okay.</p> <p>25 MR. HARDEN: At the end of the windy</p>	<p>1 Q. You had mentioned that the Carter -- or</p> <p>2 Carter County did the investigation with respect to</p> <p>3 Charles Roper and the shooting of the Meseys' dogs.</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Did your department do any investigation into</p> <p>7 Charles Roper's actions in shooting the Meseys' dogs?</p> <p>8 MR. HARDEN: So I'll object to the extent</p> <p>9 that it calls for privileged or protected information,</p> <p>10 including attorney/client, insurer/insured privilege,</p> <p>11 work product, including intangible work product, or</p> <p>12 calls for information materially protected by the</p> <p>13 Garrity rule that we discussed earlier. To the extent</p> <p>14 that it's possible to answer the question without</p> <p>15 divulging anything that might be privileged or</p> <p>16 protected, you may answer, otherwise I'd instruct you</p> <p>17 not to answer. So --</p> <p>18 THE WITNESS: I did follow up when the</p> <p>19 sheriff's department -- with the sheriff's -- by</p> <p>20 reading the sheriff's department reports.</p> <p>21 Q. (BY MR. SCHOTTEL.) And who did you follow up</p> <p>22 with?</p> <p>23 A. The Carter County Sheriff's Department.</p> <p>24 Q. Anybody in the -- or do you know the name?</p> <p>25 A. I did a records request just like you did to</p>

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<p style="text-align: right;">Page 45</p> <p>1 me, and they sent that over to me.</p> <p>2 Q. Oh. And I guess my question was outside of</p> <p>3 just obtaining those records, did you do any kind</p> <p>4 of -- or did your department do any kind of</p> <p>5 investigation into defendant Roper's actions on that</p> <p>6 day.</p> <p>7 MR. HARDEN: Again, same objections as</p> <p>8 before. Just immediately before. You may answer to</p> <p>9 the extent you will not divulge privileged and</p> <p>10 protected information. And I believe that by the</p> <p>11 scope of his question, that would include before -- or</p> <p>12 would include what Officer Dyer did. Right?</p> <p>13 THE WITNESS: Okay. So outside of what</p> <p>14 Officer Dyer has told me in that phone call, and</p> <p>15 reading his report, and getting a records request from</p> <p>16 the sheriff's department, I did follow up with those.</p> <p>17 After that, take the advice of my attorney and not</p> <p>18 answer any more of that substance of that question, I</p> <p>19 guess.</p> <p>20 MR. HARDEN: Yeah. Well done. Thank you.</p> <p>21 MR. SCHOTTEL: All right. Have that</p> <p>22 question certified for the court.</p> <p>23 Q. (BY MR. SCHOTTEL.) In the city of Van Buren,</p> <p>24 are there occasions where large dogs are running loose</p> <p>25 in the city?</p>	<p style="text-align: right;">Page 47</p> <p>1 A. Yes.</p> <p>2 Q. All right. How would his time be logged with</p> <p>3 the department?</p> <p>4 A. A time clock.</p> <p>5 Q. Time clock? Okay.</p> <p>6 A. With a time card.</p> <p>7 Q. And would that go for every officer, no</p> <p>8 matter whether you're a reserve, full-time, or</p> <p>9 training?</p> <p>10 A. In most cases, yeah.</p> <p>11 MR. SCHOTTEL: Okay. One last exhibit.</p> <p>12 (EXHIBIT 3 MARKED FOR THE RECORD.)</p> <p>13 MR. SCHOTTEL: Thank you.</p> <p>14 Q. (BY MR. SCHOTTEL.) And these are plaintiff's</p> <p>15 second set of interrogatories to you. And flipping</p> <p>16 through those, does that refresh your memory that you</p> <p>17 had received those and answered those?</p> <p>18 A. Yes.</p> <p>19 Q. And on the last page, is that your signature</p> <p>20 under verification?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And on the third page, it's --</p> <p>23 this one's not numbered. Some of the objections your</p> <p>24 counsel stated here today are stated in the first half</p> <p>25 of the answer. But then it says additionally, subject</p>
<p style="text-align: right;">Page 46</p> <p>1 A. We have received some calls of attacks.</p> <p>2 Yeah.</p> <p>3 Q. And what is the policy and/or procedure that</p> <p>4 the department takes when it receives those calls?</p> <p>5 MR. HARDEN: Just object to the extent that</p> <p>6 the scope's vague.</p> <p>7 THE WITNESS: Generally, if a -- a dog gets</p> <p>8 out of a fence or off a leash, and they're running</p> <p>9 around in the neighborhood, the on-duty officer would</p> <p>10 attempt to make contact with the owner, and most</p> <p>11 likely write a citation if it's -- sometimes they'll</p> <p>12 get warnings. It depends on the situation. It's --</p> <p>13 that's the end of that, I guess.</p> <p>14 Q. (BY MR. SCHOTTEL.) Okay. What if the owner</p> <p>15 is not near, or if it's a dog that's unidentified?</p> <p>16 A. We're not a -- we're not animal control, so</p> <p>17 we only enforce city ordinance by issuing criminal</p> <p>18 summons, things like that.</p> <p>19 Q. All right. Did you have an animal control</p> <p>20 unit you could call to assist you?</p> <p>21 A. Not at that time.</p> <p>22 Q. Okay. Do you have one now?</p> <p>23 A. No.</p> <p>24 Q. When Charles Roper was -- have to look at the</p> <p>25 term -- a training reserve officer? Is that correct?</p>	<p style="text-align: right;">Page 48</p> <p>1 to and without waiving any objection --</p> <p>2 MR. HARDEN: Object to the extent that your</p> <p>3 question's going to be a conduit for hearsay and</p> <p>4 privileged and protected information. We maintain our</p> <p>5 privileges and protection. Move to strike any</p> <p>6 testimony of counsel about this.</p> <p>7 MR. SCHOTTEL: I'm just reading off his</p> <p>8 answer.</p> <p>9 MR. HARDEN: Which is hearsay.</p> <p>10 MR. SCHOTTEL: How is it hearsay? It's his</p> <p>11 answer.</p> <p>12 MR. HARDEN: On that document, it's</p> <p>13 hearsay. And we're maintaining our privileges and</p> <p>14 protections, so -- go ahead.</p> <p>15 Q. (BY MR. SCHOTTEL.) Okay. Beginning with the</p> <p>16 word additionally, half down, could you read that</p> <p>17 sentence.</p> <p>18 MR. HARDEN: I'm going to instruct you not</p> <p>19 to do that. I believe it would divulge the privileged</p> <p>20 and protected information we've been trying to keep</p> <p>21 privileged and protected throughout this deposition.</p> <p>22 MR. SCHOTTEL: Well, it's been waived in</p> <p>23 this answer to interrogatory.</p> <p>24 MR. HARDEN: I think you think it's been</p> <p>25 waived. I think it says subject to and without</p>

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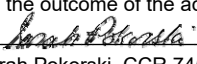
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<p>1 waiving, and then there's some responses there. So</p> <p>2 I'm going to instruct the deponent not to read</p> <p>3 anything from there or respond from it at this time.</p> <p>4 Q. (BY MR. SCHOTTEL.) Okay. So this says that</p> <p>5 Roper was not disciplined by this defendant -- meaning</p> <p>6 you -- or the City of Van Buren, Missouri as a result</p> <p>7 of any incident involving plaintiff's dogs on February</p> <p>8 22nd, 2019. Is that true?</p> <p>9 MR. HARDEN: Do not respond on the basis of</p> <p>10 attorney/client privilege, insurer/insured privilege,</p> <p>11 work product, and the Garrity rule.</p> <p>12 MR. SCHOTTEL: Have that question certified</p> <p>13 for the court.</p> <p>14 MR. HARDEN: And that's what I meant by</p> <p>15 some other means. If you could be provided certain</p> <p>16 information, we'll provide it. You know what I mean?</p> <p>17 MR. SCHOTTEL: I don't know anything what</p> <p>18 you mean --</p> <p>19 MR. HARDEN: Okay.</p> <p>20 MR. SCHOTTEL: -- or said today, so -- I</p> <p>21 don't.</p> <p>22 Q. (BY MR. SCHOTTEL.) Was Charles Roper a</p> <p>23 reserve probationary officer?</p> <p>24 A. Yes.</p> <p>25 Q. And can you describe what a reserve</p>	<p>1 just generally speaking.</p> <p>2 Q. Right.</p> <p>3 A. It would have to be approved.</p> <p>4 Q. Have you ever talked to Donna Roper about the</p> <p>5 incident of Charles Roper shooting the Meseys' dogs?</p> <p>6 A. No.</p> <p>7 Q. Have you ever spoke to the Meseys about</p> <p>8 Charles Roper shooting their dogs?</p> <p>9 A. No.</p> <p>10 MR. SCHOTTEL: Okay. I don't think I have</p> <p>11 any further questions. Thank you for your time.</p> <p>12 THE WITNESS: Do you want me to set these</p> <p>13 back over there, or --</p> <p>14 MR. HARDEN: I can -- may I have these</p> <p>15 copies?</p> <p>16 MR. SCHOTTEL: Yeah, you can.</p> <p>17 MR. HARDEN: And then --</p> <p>18 MR. SCHOTTEL: The originals that you have</p> <p>19 go to the -- or can you initial them, and then I'll</p> <p>20 probably keep them.</p> <p>21 THE REPORTER: Before I do that, if no one</p> <p>22 else has any questions, can someone cover signature.</p> <p>23 MR. HARDEN: Oh, yeah. So you have the</p> <p>24 opportunity to take a look at this, review it, and</p> <p>25 make sure that it's all basically transcribed</p>
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<p>1 probationary officer is.</p> <p>2 A. They're on probation until they finish their</p> <p>3 training. Or the other word would be reserve training</p> <p>4 officer, or training reserve officer, however you want</p> <p>5 to put the word training in by reserve.</p> <p>6 Q. And as you testified before, that's on a</p> <p>7 case-by-case basis?</p> <p>8 A. I'm sorry?</p> <p>9 Q. On how long that lasts.</p> <p>10 A. At that point, it was. I had just taken</p> <p>11 over.</p> <p>12 Q. Sure.</p> <p>13 A. So yes.</p> <p>14 Q. If a Van Buren Police Department officer has</p> <p>15 the appropriate credentials to carry a firearm, are</p> <p>16 they allowed to carry a firearm when they are not</p> <p>17 working with your department?</p> <p>18 A. So at this time, the officer -- anything they</p> <p>19 do off duty that does not have to do with any law</p> <p>20 enforcement equipment, we do not have any oversight on</p> <p>21 something like that. If it's related to the law</p> <p>22 enforcement equipment that's provided or trained with</p> <p>23 for their job with us, then it has to be approved by</p> <p>24 myself, and they do need to make sure they have their</p> <p>25 credentials, if -- I guess it would be situational,</p>	<p>1 correctly. I think I'll recommend you just take a</p> <p>2 look at it, and then we'll sign, basically. Does that</p> <p>3 sound good to you?</p> <p>4 THE WITNESS: Yeah.</p> <p>5 THE REPORTER: So I will -- are you</p> <p>6 ordering a copy?</p> <p>7 MR. HARDEN: Yes. You get it to us, we'll</p> <p>8 get it to him.</p> <p>9 THE REPORTER: Okay.</p> <p>10 MR. GRUMKE: I'll take an eTran as well.</p> <p>11</p> <p>12 (Ending time of the deposition: 1:53 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF MISSOURI)</p> <p>3) ss.</p> <p>4 COUNTY OF PHELPS)</p> <p>5</p> <p>6 I, Sarah J. Pokorski, Certified Court</p> <p>7 Reporter within and for the State of Missouri, do</p> <p>8 hereby certify that the witness whose testimony</p> <p>9 appears in the foregoing deposition was duly sworn by</p> <p>10 me; that the testimony of said witness was taken by me</p> <p>11 to the best of my ability and thereafter reduced to</p> <p>12 typewriting under my direction; that I am neither</p> <p>13 counsel for, related to, nor employed by any of the</p> <p>14 parties to the action in which this deposition was</p> <p>15 taken, and further that I am not a relative or</p> <p>16 employee of any attorney or counsel employed by the</p> <p>17 parties thereto, nor financially or otherwise</p> <p>18 interested in the outcome of the action.</p> <p>19 </p> <p>20 Sarah Pokorski, CCR 745</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STATE OF _____)</p> <p>2) ss.</p> <p>3 COUNTY OF _____)</p> <p>4</p> <p>5 I, ALONZO BRADWELL, do hereby certify:</p> <p>6 That I have read the foregoing deposition;</p> <p>7 That I have made such changes in form and/or</p> <p>8 substance to the within deposition as might be</p> <p>9 necessary to render the same true and correct;</p> <p>10 That having made such changes thereon, I hereby</p> <p>11 subscribe my name to the deposition;</p> <p>12 I declare under penalty of perjury that the</p> <p>13 foregoing is true and correct.</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 ALONZO BRADWELL</p> <p>18</p> <p>19 Executed this _____ day of _____, _____, at _____.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Notary Public:</p> <p>My Commission Expires:</p> <p>Signature page to: James W. Schottel, Jr.</p> <p>ALONZO BRADWELL, OCTOBER 30, 2020</p> <p>Mesey vs. City of Van Buren, Missouri</p>
<p>Page 54</p> <p>1 Alaris Litigation Services</p> <p>2 711 North Eleventh Street</p> <p>3 St. Louis, Missouri 63101</p> <p>4 Phone (314)644-2191 * Fax (314)644-1334</p> <p>5</p> <p>6 November 10, 2020</p> <p>7</p> <p>8 Keck Phillips</p> <p>9 Ty Z. Harden</p> <p>10 3140 East Division Street</p> <p>11 Springfield, Missouri 65802</p> <p>12</p> <p>13 In Re: Mesey vs. City of Van Buren, Missouri</p> <p>14</p> <p>15 Dear Mr. Harden:</p> <p>16 Please find enclosed your copy of the deposition of</p> <p>17 ALONZO BRADWELL taken on OCTOBER 30, 2020, in the</p> <p>18 above-referenced case. Also enclosed is the original</p> <p>19 signature page and errata sheets.</p> <p>20</p> <p>21 Please have the witness read your copy of the</p> <p>22 transcript, indicate any changes and/or corrections</p> <p>23 desired on the errata sheets, and sign the signature</p> <p>24 page before a notary public.</p> <p>25 Please return the errata sheets and notarized</p> <p>signature page to my office for filing prior to trial</p> <p>date.</p> <p>Thank you for your attention to this matter.</p> <p>Sincerely,</p> <p>Sarah J. Pokorski, CCR</p> <p>Enclosures</p> <p>cc: James W. Schottel, Jr., Joshua C. Grumke</p>	<p>Page 56</p> <p>1 WITNESS ERRATA SHEET</p> <p>2 Witness Name: ALONZO BRADWELL</p> <p>3 Case Name: Mesey vs. City of Van Buren, Missouri</p> <p>4 Date Taken: OCTOBER 30, 2020</p> <p>5</p> <p>6 Page # _____ Line # _____</p> <p>7 Should Read: _____</p> <p>8 Reason for Change: _____</p> <p>9</p> <p>10 Page # _____ Line # _____</p> <p>11 Should Read: _____</p> <p>12 Reason for Change: _____</p> <p>13</p> <p>14 Page # _____ Line # _____</p> <p>15 Should Read: _____</p> <p>16 Reason for Change: _____</p> <p>17</p> <p>18 Page # _____ Line # _____</p> <p>19 Should Read: _____</p> <p>20 Reason for Change: _____</p> <p>21</p> <p>22 Page # _____ Line # _____</p> <p>23 Should Read: _____</p> <p>24 Reason for Change: _____</p> <p>25</p> <p>Witness Signature: _____</p>

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